

REMARKS

Introduction

Claims 1 – 13 were originally pending in the PCT application to which this application claims priority. On September 8, 2000, in a paper submitted to the International Preliminary Examining Authority at the European Patent Office, new claims 1 – 12 were presented. In the response to a September 3, 2003 Office Action, dependent claims 13 and 14 were added to further define the invention. In response to a February 13, 2004 Office Action, new claim 15 was added to further define the invention. Claims 1-4 and 15 have been amended herein. Accordingly, claims 1 – 15 are presently pending in this application.

Claim Rejections

Claims 1-15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over European Patent No. 528,643 issued to Swanepoel. Claims 1-4 and 15 have been amended herein to better define the invention as explained in greater detail below.

The Swanepoel '643 reference discloses three examples of windscreen wiper backbones, listing the material properties and the dimensions of each. Using these examples, the Examiner calculated the upper limit of the width, thickness, width ratio, and thickness ratio according to the equations disclosed in claims 1-4 and 15 of the present application. These calculated upper limits were compared to the backbone width and thickness disclosed in the Swanepoel '643 A1 reference in order to form a basis for the rejections of claims 1-15. Although the calculated values varied from the disclosed dimensions, the Examiner stated:

...the deviance is considered to be acceptable. The reference teaches the exact magnitude of the widest and thickest points. The actual values vary from the calculated because the calculated values are not

necessarily at the widest or thickest point but at *substantially* the widest and thickest points.

Accordingly, at the direction of the Examiner, the word “substantially” was deleted from claims 1-4 and 15 as shown. However, the phrase “widest point” in claims 1-2 and 15 and the phrase “thickest point” in claims 3-4 and 15 are understood to mean that it is the bulk dimension of the backbone which is under consideration and not a transitory dimension. More specifically, an attachment member, such as a tab, rib, notch, etc. is sometimes included for securing the backbone to the coupler. The “widest point” dimension referred to in amended claims 1-2 and 15 would not include the width of the attachment member, but would only include the bulk width of the backbone. Likewise, the “thickest point” dimension referred to in amended claims 3-4 and 15 would not include the thickness of the attachment member, but would only include the bulk thickness of the backbone.

Conclusion

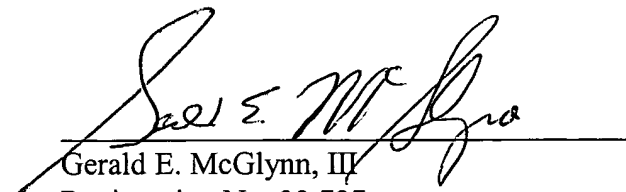
In view of the above, it is respectfully submitted that independent claims 1-4 and 15, as amended, each recites structure that is not disclosed or suggested by the prior art and is patentably distinguishable from the subject matter of the Swanepoel ‘643 reference discussed above. Claims 5-14 are each ultimately dependent upon either of independent claims 1 or 3 and add further perfecting limitations thereto.

The amendments to claims 1-4 and 15 were made to comply with the Examiner’s suggestions of form. In the alternative, these amendments set forth the claims in better form for consideration on appeal. Accordingly, Applicant respectfully requests that this Amendment be admitted pursuant to 37 C.F.R. § 1.116 and that the rejection under 35 U.S.C. § 103(a) be withdrawn.

Finally, applicant respectfully submits that the present invention has been adequately defined over the prior art of record in this case. Therefore, applicant respectfully solicits the allowance of the claims pending in this case.

The Examiner is encouraged to contact the undersigned attorney via telephone with any questions or additional comments concerning the patentability of these claims.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gerald E. McGlynn, III", is written over a horizontal line.

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